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Niebuhr because he has dispelled for us the splendid coruscations with which "the mythopœic fancy" has gilded the auroral dawn of the Roman Empire. With the Switzer we are loath to admit that the tale of William Tell with his bow and arrow is hardly more authentic than the story of Cock Robin, evaporated as it has been into a "solar myth" glancing from the legends of Denmark in the pages of Saxo Grammaticus, and from we know not how many chronicles besides in other lands. And if history could be properly written as poetry is written, — to express the ideally true rather than the really true, — there might be as much to admire in such superstitions of the *head* as in those "superstitions of the *heart*," without which, as the poet tells us, our human life would be poor indeed. But when, as we have shown in the case of the Mecklenburg patriots, it is the sober facts which best illustrate the true nobility of their characters, we do but perform a duty equally to them and to the Muse of History by seeking to rescue their memories from the distortions of romance.

JAMES C. WELLING.

ART. III. — THE NEW TRIALS OF THE ROMAN CHURCH.

THE year 1870, or rather the twelvemonth between its spring and the following spring, was remarkable for three important events, — the convocation of an Œcumenic Council at the Vatican, the downfall of the temporal power of the Pope, and the formation of the new German Empire. There is a full historical ring in these words. We cannot hear them without being reminded of certain facts in history with which we became familiar long before becoming familiar with the realities of actual life, and which then looked stately and imposing at a distance. How could we have hoped ever to hear the thunders of the Vatican with our own ears, or to behold a German Emperor with our own eyes? We have, indeed, a Hohenzollern now instead of a Hohenstauffen, and Papal infallibility instead of Papal supremacy; but, at any rate, we have now, as then, a militant Pope and a militant Emperor, and a contested ground between them.

In the comparison of the two epochs, three relations will, consequently, have to be considered, — the relation between the Pope and the Emperor, or between Church and State: the relations between the Pope and the clergy as the Pope's delegates; and the relations between the state and the clergy as citizens of the state.

These last were regulated by the Constitution of the Empire, as those between the Pope and the clergy were regulated by the canonical law. But both the Imperial Constitution and the canonical law, being things of slow growth, were full of oddities and inconsistencies. The monk Gratian, the learned compiler of the canonical laws, was honest enough to call his collection *Concordantia discordantium Canonum*, and the interpretation and application of these canons very naturally gave rise to interminable quarrels. With regard to the general relations between the Church and the State, no law, no compact, no third authority, existed. They had the character of international relations, slightly modified, of course, by the difference of the weapons which the two powers had at their disposal; and as long as no concordat had been concluded, tradition or the *jus consuetudinis* formed the only basis for a *modus vivendi*.

But what were the traditions concerning the relation between Church and State? The farther back we go in history, the more complete we find the union of the spiritual and temporal authorities. Theocracy is one of the earliest forms of civilization. Jehovah was a national god, and even where there was no personal union of the two powers, where king and high-priest were two co-ordinate or naturally subordinate dignitaries, the gods worshipped by both were strictly national gods. And the gods being national, the community formed by their worshippers was something co-extensive with the state, being neither a sect contained in the state, nor a church embracing many states. The words "priest" and "citizen" then appear as two names for one person, the man who is both, being, for all that, member of one community only. One might say that this community, being both Church and State (although we find no analogon in pre-Christian times for what we call Church), must have exacted a double kind of allegiance from its members. But the claimant being but one person, there could be no con-

flict, or whatever conflict arose had the character of a personal quarrel between subalterns.

Neither the Jew nor the *civis Romanus* could rise to the conception of a catholic unnational God, until Christianity came to widen their horizon. It is one of the most essential features of Christianity to be cosmopolitan. Not only does it ignore all that is physical and accidental in man, such as his nationality, but it refuses, and must refuse, to be encompassed by anything that is in man's giving, even though it were called citizenship. Christianity having denationalized religion, we cannot understand why it should be expected to serve the purposes of a state religion. The State, as a human structure invented and erected by intelligent men, is a work of art, and as such it stands higher than the physical fact of nationality. But, like all human works, it is perishable, and, while it lasts, is nothing if not changeable, requiring incessant law-making. It can, consequently, not be made the receptacle of the Church, which is, or pretends to be, unchangeable, which is, or pretends to be, imperishable, and which is, or pretends to be, the community of all men. The idea of a state church can exist only in the minds of those who either have forgotten what a state is, and what a church pretends and ought to be, or who deny the necessity, and perhaps the possibility, of a genuine church altogether. To such the state must appear as the very highest ethical phenomenon on earth, and not merely as (what it appears to us) the penultimate form of ethical perfection. Just now their doctrine is triumphant, but history is strangely persistent in the reproduction of facts which militate against it.

What in the dawn of history appears as an instinct impelling to migration and trade is, specifically, the same force which, in these days of conscious civilization, has given rise to socialism and internationalism; in other words, to aspirations which refuse to acknowledge whatever tends to divide mankind, such as state frontiers, nationalities, individual rights. And have we not in the long history and irrepressible vitality of Freemasonry another proof of the strength of the cosmopolitan bias in human nature? Science, too, might seem to be one of those neutral grounds without turnpikes and custom-houses, inaccessible (one would expect) to the ugly noises of battle or of

political strife. Yet science cannot fill the human heart or minister to all its wants ; and since the wholesale expulsion of German members from the French Academy in 1871, the vaunted neutrality of that ground has become altogether doubtful ; and should we stand in need of some really sacrosanct refuge, where neither hatred nor jealousy can penetrate, we must not go to places called academies, however cool and peaceful they may look, but must follow the ambulance with the Geneva cross, under whose shelter friend and foe may meet without fear, in the open battle-field of life, to receive whatever tender cares they may require. That ubiquitous refuge, that all-invading but never-to-be-invaded ground of neutrality we call Church. And granted the necessity or the mere possibility of a church, we maintain that it lies in the very nature of such a church to be above the state, and that it cannot be made congruent to the state without ceasing to be what it purports to be.

That being our theory, let us consider what happened in history.

Christianity, the anti-national religion *par excellence*, was proclaimed state religion by the Emperor Constantine, and — officially speaking — has remained the state religion of the Empire to the last day of its existence, in 1806. Thus, it would seem, a false position had been created for it at the very outset. But this is a mere appearance, because the Roman state, though only a state, comprised the whole civilized world. In a certain sense, that is to say, making allowance for false pretensions and self-deception, that state *was* the world, and, comprising many nationalities, it could not be a national state. It was as much a catholic state as the Church ever was a catholic church. The Roman state and the Christian religion had, therefore, two essential things in common : both were, or aspired to be, catholic, and both were unnational ; that is to say, they could and did survive while nations and nationalities died away, the dominant Latin nationality not excluded. The Emperor and the Primate of the Church could live in the same world without wishing to get rid of each other, as carpenter and mason, as lawyer and physician, may live side by side without raising the question of equality or supremacy. If a man may be a client and a patient at the same time, why should he not be a citizen

and a Christian at the same time? The Bishop had no wish to be Emperor, because he remembered that Christ's kingdom was not to be of this world; and the Emperor had no wish to be Bishop, because his authority emanated from sources which, according to his own creed, were unfit to furnish a substitute for ordination. We can see nothing abnormal in this dualism, and admit that, in a universal empire, the Church might afford to be the State Church, without derogating from its catholicity.

But, obviously, this compatibility could last only as long as the two powers remained coextensive. As soon as the Empire began to decay and to shrink and to split, covering no longer the same ground which the Church pretended or aspired to cover, the Church could no longer tie its fortunes to those of the state, and had to seek a new basis outside the state. Thus arose the temporal power of the Church, and instead of a State Church, we have, in the beginning of the ninth century, a Church State. This Church State would, in its turn, have been liable to the usual vicissitudes of political existence, if it had been an independent state deriving its autonomy from its own secular strength. But such, we know, was not the case. The strip of Adriatic coast which formed its first nucleus was a gift of Pepin, and he who, two centuries later, made the Pope independent of the barons, was a German Emperor. The Papal state, therefore, was nothing but a fief in the Pope's tenure, but in the Emperor's giving, the Pope being *de jure* the Emperor's vassal. We are apt to forget that long before the popes became king-makers the Emperors had been Pope-makers. Otho I., the real founder of the temporal Papacy, installed and deposed popes, his position towards the Church having been clearly defined by the new title of his Empire, which he called the Holy Roman Empire of Germanic nationality. Monstrous though this title sounds, it was full of meaning, and no misnomer. It meant that Otho's Empire was the heir and successor to the Roman Empire; that it was an empire which happened to be confined to Germany, but which had been universal and might become so again; and that this ideal universality was to be hallowed by the catholicity of its faith.

The Church State, like the states which had belonged to Lothair's widow, being of Italian and not of Germanic nation-

ality, could not rank among the constituent (and electoral) states of the Empire, their connection with the Empire lying merely in the person of the Emperor. They stood in the same position towards the Empire as subsequently Jutland, Prussia, Livonia, Silesia, Hungary, Savoy, Burgundy, and Bâle, which, lying far from the seat of government, had to be intrusted to the care of vassals, who, under various titles, became sovereigns. If some were dukes or margraves, others were bishops. And as far as the feudal compact was concerned, the position of the Sovereign Bishop Primate, called Pope, differed in nothing from that of any other prince bishop of the Holy Empire.

It follows from this that, juridically, the Pope, as a non-German bishop, could not act as elector of the Empire, while the Emperor, who, in theory and in original practice, was the feudal lord of the Church State, might, in that capacity, claim the right of installing and deposing popes; but that, at the same time, in consideration of the exceptional character of his Papal vassal as the elect of a professedly inspired conclave, and in consideration of his own exceptional character as the spiritual son of his vassal, the Emperor would have to reduce this privilege to the simple right of veto.

In the days of Constantine and his successors, Church and State were on terms of absolute equality or of absolute indifference, their heterogeneousness not having been effaced yet. Color and fragrance can exist together on such terms, while two colors cannot without interfering with each other. Under Otho, however, and his successors, the Church had lost its purely spiritual character. It had (as a temporal power) something in common with the Empire state; and the state having something in common with its Church, the two new powers began to act and to react against each other. Instead of the old co-ordination, we find a condition which we must qualify as one of *mutual subordination*, the reciprocity consisting partly in a division, partly in an alternation of power. To judge by their weapons, the State was less aggressive than the Church. It had the right of the *inspectio sæcularis*, the *jus reformandi*, and the *jus circa sacra*, while the Church wielded weapons like the curse, the excommunication, and the inter-

dict. The result was an unstable equilibrium and a perpetual oscillation of power.

Henry II., being of a devotional character, allows the Imperial title to become subject to the Pope's approval. Conrad II. and Henry III., being strong-willed men, make the election of the Pope subject to Imperial sanction. And when Henry III. overshoots his mark and betrays his desire to make the Imperial dignity hereditary in his family, and, therefore, forever independent of Papal influence, a prompt and vigorous reaction takes place in the inspirations of the conclave, resulting in the election of Gregory VII., who was more than a match for any German emperor.

This great Pope gave to the Church an altogether new organization, well calculated to increase its means of defence and of attack. Once more the state of things was reversed, the Pope becoming independent of the Emperor, and the Imperial title dependent on the Pope's approval. The growth of the Pope's power was now so rapid that his first interdict had the effect of bringing Henry IV. in a penitent's garb to Canossa, while his second interdict caused the German princes to withdraw their allegiance from Henry and to elect a counter-emperor. The Hohenstauffens tried to recover the ground lost by their predecessors, and were not unsuccessful. But long before their star had set, Innocent III. secured to the Church all the prerogatives it had ever possessed. And its ever-growing claims which, during the subsequent interregnum, there was nobody to dispute, found at last their fullest and most arrogant assertion under Boniface VIII., when the Empire had lost so much of its Imperial character that it could no longer be considered as the only and the natural counterpoise to the spiritual Empire of Rome. The bull *Clericis laicos* of 1296, and the bull *Unam sanctam* of 1302, proclaim the most absolute supremacy of the Church, and the most absolute subjection of the State, not only of the Imperial state of Germany, but of all that wields secular power on earth.

But Boniface did what Henry III. had done,— he overshoot the mark. He excommunicated and deposed King Philip of France, and King Philip impeached and deposed the Pope, who soon died of anger and grief. This led the Papacy to Avignon,

where, as a French institution, it decayed, so that John XXII., when trying the old Papal weapons against the German Empire, found them to be rusty and blunt. His interdict fell flat on the laity and the clergy. The bishops, who enjoyed an excellent position in the Empire, being practically sovereigns and independent of the state, began to feel the superfluity of Papal protection; and Maximilian I., considering the Pope himself as a superfluity, conceived the original idea of uniting the Imperial and the Papal dignities in his own person. Only his death prevented the experiment.

Probably a great part of the responsibility for this long-continued quarrel belongs to the sovereign bishops of Germany. Had the right of veto been the only apple of discord between Pope and Emperor, the dispute might have been settled sooner. But a far greater difficulty lay in the double relation in which the episcopate stood to the state and to the Church. These relations were essentially feudal, like the Papacy itself, the whole Church having, in its close contact with the state, become contaminated with secular interests and feudal ethics. And the feudal compact, though originally a fair bargain, had led to a state of things in which everything looked crooked, twisted, and confused. It was no question of dogma which divided Pope and Emperor: until the fifteenth century, when people began to think for themselves, such questions were quietly settled by the council. But it was a question of power. And the world was never allowed to forget or to shelve it, since it arose not only on the rare occurrence of a Pope's or an Emperor's death, but with every new appointment or collation of benefice in the complex hierarchy of the Church. Who was to nominate, elect, appoint, or invest a bishop? According to the tradition of the Church, the Pope would have to do it all; and the Emperors could hardly have objected to this, had the bishops remained simple apostolic vicars. But they had not. Bishopricks had become feudal benefices rather than ecclesiastical offices; at any rate, they were both. And the office being by right and by reason in the Pope's giving, and the benefice being by right and by compact in the Emperor's giving, it was obvious, one would think, that the episcopal dignity required a double investiture, — a secular

investiture with the sceptre and the benefice, and an ecclesiastical investiture with "the crozier and the ring." Yet we know that for centuries this question continued to agitate the world, and, in fact, the apparent facility of its solution vanishes on closer inspection.

The bishops were servants in the Church and sovereigns in the State. As long as the Emperor himself had to be crowned (i. e. invested with the sceptre and the crown) by the Pope, the latter might well have claimed the right of conferring the regalia on the bishops. On the other hand, the bishoprics were territories of the Imperial state, and as long as the Church State was considered as an Imperial fief, and as long as, in express recognition of this legal *status*, the presumptive successor to the Imperial throne had the official title of King of Rome, the Emperor might, with equal fairness, have claimed the whole right of investiture for himself. Nobody succeeded better in proving the hopelessness of this quarrel than Pope Paschal II., who proposed to cut the Gordian knot by renouncing the episcopal regalia and benefices altogether, so that neither Pope nor Emperor could confer them. The bishoprics, he thought, might subsist on the tithes and on voluntary contributions. It was a grand offer. For if the bishops ceased to be princes of the Empire, if abbots and abbesses ceased to be members of the Reichstag, the whole quarrel about the investiture was at an end. The Emperor, of course, would have been glad to accept the offer. But when, for once, Pope and Emperor were likely to agree, the bishops showed no disposition to renounce any part of their rights or benefices in favor of the Emperor. In 1123, at last, a concordat was concluded between Calixt II. and Henry V., which gave the two contending powers some legal ground to stand on. But that it opened no era of peace we know from history.

It was only the Reformation that could put a stop to the long quarrel between Pope and Emperor. And it did so, not by conciliating, but by widening the breach. The spirit of feudalism had proved poison to the Church; the spirit of the Reformation acted as a solvent on the Empire. Technically, the relations between Church and State remained unaltered. The Catholic Church was still the state church of the Empire,

or (since the term "state church" belongs to later times) the Empire and the Church continued avowedly on a "collegial" footing. But they ceased, insensibly, to cover the same ground. The terms "Imperial" and "Catholic," having lost their meaning, began to lose their original congruence, and the collegial system was gradually replaced by the "territorial system." Its principle, *cujus est regio, ejus est religio*, was the most absolute negation of the idea of Catholicity, and, as such, it soon became an essential principle of Protestantism, though it was apparently foreign to Luther's doctrine. Its fruit is the modern state church.

The Empire, then, had ceased to be a catholic state. It was a complex of states in which "religion" and "catholicism" were no longer synonymous, each state having a religion of its own. And when, at last, Protestant states were formally recognized as such in the Treaty of Westphalia, when the Reichstag itself was officially divided into the *Corpus catholicorum* and the *Corpus evangelicorum*, the Pope must have been aware that the Empire had drifted away from the Church, and that, having ceased to be "Holy" and "Roman," it would, sooner or later, cease to be an Empire. He still tried to reclaim it, by sending forth an army of Jesuits who were to stamp out the new heresy wherever they found it. But these efforts failed to arrest the progress of Protestantism. Church and State now stood outside each other, each decaying in its widowhood. They became strangers, no longer protesting against each other's claims, but simply ignoring them. The Treaty of Westphalia was never recognized by any Pope, nor were Papal bulls heeded by the German princes, one of whom crowned himself as King of Prussia, the anathema notwithstanding.

It is characteristic of this period of estrangement that the hostile efforts of the Curia were no longer openly directed against the Empire, but rather against the bishops, who, after all, were hybrid dignitaries, standing with one foot in the Empire, with the other in the Church. Nuncios were sent out, not only to watch over them, but to supplant them in their episcopal jurisdiction whenever they deemed fit to do so; and that no bishop might, for any length of time, lose sight of his

dependence, the episcopal powers were declared revocable every five years. (*Facultates quinquennales.*) Towards the end of last century, in 1785, the Metropolitans of Mayence, Treves, Cologne, and Salzburg, encouraged by the liberal disposition of the Emperor Joseph II., met at Ems to draw up a manifesto known under the name of the *Emser Punctuation*, in which they protested against the interference of the Papal nuncios, insisting at the same time on the abolition of the episcopal oath of vassalage to the Pope, on the exclusion of all foreigners from German prebends, and on the convocation of a national council in Germany, admitting the Pope's competency only *in causis majoribus*. The step was too radical to be successful. Moreover, what the archbishops had said against the Pope, the suffragan bishops now said against the archbishops, remembering that they were the only lawful heirs of apostolic authority, that archbishops were but spurious intruders, and that it was better to obey a cosmopolitan Pope than a German Metropolitan. The Emperor at once withdrew his protection from the four petitioners of Ems, and matters remained as they were. But, notwithstanding this failure, the manifesto of Ems is interesting for two reasons: first, because it bears a strong resemblance to the tenets of the modern schism called Old Catholicism; and, secondly, because its short history throws a vivid light on the two figures of the Pope and of the Emperor, who no longer meet in open combat, but either "pull the wires" behind the scene or stand apart altogether.

Our object in tracing these outlines of history was to show that the Christian Empire, considered as a complex of Church and State, has existed under three essentially different forms. In the Eastern Empire, Church and State lived side by side without being conscious of each other's potentialities, the one being purely spiritual, the other purely temporal. *They agreed.* In the mediæval Empire they had mixed and pervaded each other, and, becoming conscious of each other's strength and weakness, they struggled for supremacy. *They disagreed.* After the Reformation, at last, they became estranged, that is to say, conscious of their heterogeneity and of the hopelessness of their struggle. *They agreed to disagree.* Logically, we

might look forward to a fourth period pregnant with something better than mere parallelism or strife or estrangement. Let us see whether its advent is likely to be hastened by the new champions who have, quite unexpectedly, appeared in the long-deserted arena.

The old Empire died in 1806. Germany became a headless confederation, and in 1871 a new German Empire was proclaimed under circumstances highly unfavorable to historic continuity. Whatever the new Empire might have become in 1864 under Austrian hegemony, the Empire proclaimed by a Prussian king on the field of battle in 1871 is something totally unlike any previous phenomenon in German history. It differs from the old Empire in its name, its constitution, and its aspirations. The Imperial dignity is hereditary, not elective; and it is hereditary in the family of a Protestant prince whose country has a mixed population, but a Protestant state church. The new Empire is neither a union of states nor a single state, though it partakes of the character of both. Each separate state having a state church, the Imperial state can have none. William I. who, as King of Prussia, is the *centrum unitatis* of Prussian Protestantism, is as Emperor of Germany the centre of none but political unity. The Pope need not see in him a Prussian Protestant, and must not see in him his Catholic "colleague." The new Empire pretends to be neither Holy nor Roman, nor does it pretend to be the Universal state, the term "empire" having lost its old official meaning of *Imperium*. If in France it has recently been used to express a peculiar mixture of democracy and Cæsarism; in modern Germany it simply means Prussian hegemony. This hegemony is an historical accident. It might have been Austrian, and Herr von Beust would have liked it to be Saxon. The Emperor of new Germany, therefore, though Prussian, is a neutral between Catholics and Protestants, and stands in no conceivable or definable relation whatever to the Pope. And as this state of things has no parallel in German or in Roman history; as the new German Empire has nothing to do, not even in name, with any one of the three forms, described above, under which the old Empire appears in history, — we may say that the new title was no title of nobility involving "obligations," and that there

was, to say the least, no *prima facie* necessity for its recipient to consider himself bound to resume at once the traditions of a quarrel belonging to a defunct namesake rather than to an ancestor. To talk once more of "Pope and Kaiser" is to play with old coins which have preserved their metallic ring, but have lost their nominal value.

Even the Papacy has undergone important changes, having been stripped of its temporal power, and having proclaimed its own spiritual infallibility. These changes, however, are less essential than they appear at first sight, and the infallible and landless Papacy of to-day has far more in common with the old Papacy than the Secular Prussian Empire of 1871 has in common with the Holy Roman Empire of the Middle Ages. The downfall of the temporal power may appear to us final, but it is not looked upon in that light by the Pope himself. In his eyes it is nothing but a repetition of an historical event, with which Papacy is as familiar as the Jesuits are with banishment and dissolution. Never since 1871 has the Papacy ceased to talk, to behave, and to act as though it wielded temporal power. And having, in reality, lost nothing but its debts and its troubles, it may be said to occupy a stronger position than before. As to the dogma of Infallibility and the dictates of the Syllabus of the 18th December, 1864, we would call them reassertions rather than innovations, and must confess ourselves unable to understand the sensation they have created in modern society. In fact, the Syllabus alone did not create much sensation. Though containing the most emphatic condemnation of all we deem essential to modern civilization (§§ 15-55), that document was almost forgotten a few weeks after its promulgation, and even now its eighty anathemas have proved powerless to cause any one thing to be done or undone that would not have been done or undone if the Syllabus had never been written. Who knows whether the dogma of Infallibility, which was proclaimed three years later, would not have passed away as noiselessly as the Syllabus, if the institutions of the *Placet* and the *Exequatur* had not existed in most countries of the European continent. Yet these countries had no reason to be frightened at the dogma, as they must, for centuries, have been accustomed to the idea of a would-be infallible Catholic

Church. Whether the attributes of infallibility were to belong to the council or to the Pope was a domestic question of the Church, more interesting to bishops and priests than to kings and ministers.

It cannot be denied that ever since the Pope's return from Gaëta in 1850 the Catholic Church has become more and more identified with Jesuitism. The late Cardinal Ferretti, a near relative of Pius IX., declared openly that he had come to the conclusion that Papal rule was impossible without the Jesuits. And what are the aims of Jesuitism? They may be summed up in the word "hierarchy." The Pope is to be the spiritual and temporal sovereign of mankind. Kings may act as his proxies and delegates, but always as his subjects. The pretensions of what is called Legitimacy may be tolerated and countenanced, because "legitimate" sovereigns and pretenders are generally better servants of the Church than usurpers. But there is no "right divine" belonging to kings. Otho IV. called himself "Emperor by the grace of God and of the Pope"; the princes of the future will be kings by the grace of the Pope alone, the Pope alone being what he is by the grace of God. In this sense the Jesuits may support the claims of Chambord, of Don Carlos, of the ex-king of Naples. But it is a mistake (though a very common one) to believe that the cause of "legitimacy" is dear to the Jesuits. They want to rule themselves; and if they cannot rule through tools of their own, they would rather have democracy than monarchy, and rather anarchy than democracy. "Through anarchy to hierarchy" is their well-known but often-forgotten motto.

We must further admit that the ethics of Jesuitism consist in shrinking from nothing that will lead to this consummation, while its dogmatics are latitudinarian in all matters not referring to their favorite scheme. The Jesuits, therefore, can afford to be more amiable and more tolerant than many an earnest Protestant. But, after all, they are men suffering from a monomania, who allow their temper and certainly their reason to break down when the morbid idea stands before them. The more, therefore, the Papacy identified itself with Jesuitism, the more it partook of its weaknesses. It became coarse in its doctrines, slippery in its practices, and more than usually child-

ish in its symbolism. The proclaiming of the dogma of the Immaculate Conception, the kidnapping of Jewish children, and the exhibition of weeping Madonnas, are three typical instances to which many more might be added. The habitual short-sightedness of Jesuitical cunning never showed itself more plainly than in the choice of the year 1870 for the assertion of a Papal prerogative which might have been usurped in silence and exercised too, there being no council to contest it, and the council, which cannot convoke itself, having, when not convoked, no corporate existence. Such were the powers which new Germany saw, or fancied to be, arrayed against it in 1871. While the new Papacy was more coarse and short-sighted, more slippery and childish, than the Papacy of Gregory VII., the new Empire was certainly more cultivated and enlightened, more moral and more manly, than the Empire of Henry IV. Which, then, had to dread the other? At first there seems to have been no grudge between them. As long, at least, as Victor Emanuel's neutrality remained doubtful, the King of Prussia exchanged civilities with the Pope, which were the more sincere as they were not called for, the Pope being then as "infallible" and as *syllabic* as he is to-day. If, notwithstanding all this, a deadly contest has arisen between the two powers, we must seek its causes in a peculiar phase of public opinion which had developed itself in Protestant Germany, and especially in Prussia, long before the present struggle began, and which we will now endeavor to describe.

The number of Protestant sects is not great in Germany, the majority of the Protestants being Lutherans, the minority Calvinists. The royal family of Prussia belonged originally to the latter. But as the differences between the two sects consisted mainly in the Calvinistic doctrine of predestination and the Lutheran doctrine of "ubiquity," a natural desire for union arose in both churches. By command of Frederic I. of Prussia, a united church service was held in Berlin as early as 1703. But the Calvinists having no ritual to give up, while the Lutherans had a great deal of it, the bargain seemed unfair; and although the Lutherans were forced by Frederic William I. to give up altar candles and the singing of collects, the cause of union was not furthered by such means. Only

in 1817 the question was broached again, first in Nassau, then in Prussia. The clergy were invited by the government to discontinue the use of the term "Protestant," to substitute the word *evangelical* for it, and to prepare the way for a spontaneous union of the two churches. The appeal was successful. A new eucharistic rite was invented by way of compromise, and the king, accompanied by the members of both consistories, inaugurated the new service. In a few years the "United Church" became the predominant church of non-Catholic Germany and the established state church of Prussia. It failed to take root only where the want of a union could not be felt, the population belonging almost entirely to one church, — as in the Palatinate, which was Calvinistic; and in Hanover and Eastern Prussia, where Lutheranism predominated.

The consequence of the Union is that we now have three churches in Prussia instead of two, and that the old Lutherans, who are people of strong feelings, hate the Unionists even more than they hated the Calvinists before the Union. Moreover, the United Church being the Prussian state church, the old Lutheran hatred of the Union can easily translate itself either into hostility to the state-church principle or more easily still into hostility to Prussia. Hence the difficulty with which the Hanoverian Lutherans accepted the new position created for them by the annexation of Hanover to Prussia in 1866. And hence also the strong reaction which took place in Prussia itself against the hierarchical spirit of Herr von Mühler's church administration. That spirit was bad enough to provoke the ill-will of a large body of men belonging to the state church itself, but who had at heart the cause of religion rather than that of the state. Theologically, these men were the antipodes of the Lutherans, but they agreed with them in disapproving the policy of the government, and in judging the events of the day according to the principles of theoretical morality, regardless of political expediency. Ten years ago they joined to form the *Protestanten-Verein*, an association whose principles are union on the broad ground of Christian sentiment, irrespective of dogmatic differences; congregational autonomy under freely elected pastors; and separation of Church and State.

Why the Minister who was mainly responsible for these defections was suffered to remain in office until 1871 is not quite clear, considering that the government stood in need of the people's affection and devotion when it entered upon the war with France. But then these affections had proved cheap in 1866, when the Liberals voted a bill of indemnity to Bismarck, implying plenary indulgence for the sins of his Cabinet and even for those of Herr von Mühler. And the success of Bismarck's policy was brilliant enough to secure the conversion, not only of political, but also of many theological opponents, such as Lutherans and Rationalists. They could no longer dissociate the idea of the Church from that of the State, and the triumphs and the glories of the State became triumphs and glories of the Church. Moreover, that state, it must be granted, was a structure of singular beauty and unprecedented perfection. Unconsciously and unintentionally, Prussia had become a realization of the Hegelian state, which was a far more practicable idea than Plato's commonwealth. Such a state, the converts said, deserves to be strong; and even the Church cannot fare badly if put under its tutelage, or, even if it did, a decaying state church would still be better than a thriving church divorced from the state.

That these conversions amply made up for the defection of the *Protestanten-Verein* can easily be conceived. David Strauss belonged to these converts; and so did the late Professor Hengstenberg and a host of Hengstenberg's followers long known in the theological world as the "Party of the Evangelical Church Gazette." These theologians call themselves Lutherans, but might as well be called followers of St. Augustine. They accept the Lutheran doctrine about sin and justification, but evidently dislike the general spirit of the Reformation as leading to plurality and anarchy in the Church. Wanting, above all, a hierarchy, they are ready to accept whatever is most likely to add to the power of the Church; and, in default of a Pope, they accepted the state of 1866 as a convenient reservoir of centralized power from which they might draw *ad libitum*.

They had, of course, some difficulty in justifying their conversion. On what grounds could they as theologians defend

the new policy of Prussia, when even Herr Lasker, a mere politician and a Jew and a member of Bismarck's own party, had publicly spoken of "the sin of '66." Their apologetic pleadings could be based only on the "accomplished fact" theory, which implies the justification through success, and on the philosophical absoluteness of the state, which implies the contingency of the Church. Neither doctrine, however, fitted into their creed, and the former smacked of Jesuitism, so that those who acted on it forfeited their right of attacking the Jesuits on that ground.

The result of this sophistry was a new kind of state theology quite peculiar to Prussia, whose expounders are generally skilled writers and good orators. But their rhetoric is barren, and the more they write and talk, the more bitterly they are hated by the stancher Lutherans, who despise them for having prostrated themselves before the idol of political success.

How strong these feelings still are in Protestant Germany we may learn from a curious book published last winter by Baron Hodenberg under the title of "*The Banquet of Socrates, a Picture by Feuerbach and an Image of the Theology of Rhetoric.*" The picture here mentioned was exhibited in Hanover in 1871. It represents Socrates conversing with his friends after a long supper. The dawn of morning is visible through the window, and on the threshold of the open door stands Alcibiades, the disciple of Socrates, who, just returning from his orgies, cannot go home without paying a flying visit to his master. He is escorted by half-naked boys and girls, bearing torches or beating tambourines. Of course, he is drunk, and so are the philosophers, with the exception of Zeno and Socrates. They offer the cup to the welcome guests, and look at them with admiration. Socrates turns his back on them, but smiles complacently, while Zeno looks round, but does not smile.

This picture represents, in Baron Hodenberg's opinion, the moral and intellectual condition of the new German state. Notwithstanding its state church, it is not a Christian state. It is pagan. It has neither Lutherans nor Calvinists. The people are followers of Epicur, and their rulers are Alcibiades and his boon companions. Alcibiades is a proficient disciple

of Socrates, and admires his wisdom. But what is that wisdom? Socrates knows nothing about sin and righteousness. He believes that evil comes from error, and that virtue can be taught in schools. He smiles at the freaks of Alcibiades, because Alcibiades is Bismarck, and Socrates is the heathenish spirit of Prussia, the royal Prussian state theologians who want a strong state and a state church to whitewash the state when it sins. The cynic who steps forward to offer the cup to Alcibiades represents the political converts who worship success and accept all facts, even a union of churches, feeling indifferent about their differences. Zeno, at last, is the public opinion of Hanover, personified in the editor of the *Lutheran Kirchenblatt*. He is the best of the lot. For he stands aloof and does not smile on the orgy before him. But even he is found wanting by the author, his arguments being ethical and juridical instead of being Christian.

These fierce Lutherans, not unnaturally, accuse the Prussian state of Jesuitism, and think that the modern state, such as it is, is as dependent on Jesuitical practices as the Roman Catholic Church. On the Jesuits themselves they look as fellow-sufferers rather than as enemies. They abhor their ethics, but admire their religious zeal, preferring it to modern paganism and indifference. And while the Lutherans accuse the state of Jesuitism, the Rationalists (represented by the Evangelical Association) accuse it of infallibilism or hierarchical meddling with matters belonging to the natural competency of churches. The Hegelian state, then, stands accused of those very faults of which it has accused the Roman Catholic Church, and which have served as pretexts for the many legislative and executive measures taken quite recently against its clergy. Neither the Lutherans nor the Rationalists approve of these measures, the former condemning them on religious, the latter on liberal, grounds. And even if no such measures had ever been thought of, the Lutherans and the Evangelical Association would still be the natural opponents of the Prussian state, and, for that, the natural allies of the Roman Catholics. Separated, however, as these three fractions are from each other by enormous intellectual distances, they have never been able to coalesce into one compact opposition party. Nor have they ever fitted into

the rubrics of existing political parties. They may have their affinities among the feudal and the progressist parties, but the only thing the three religious fractions have in common is their *not* belonging to the national party. They can sympathize and co-operate with each other on no ground but that of anti-nationalism. They are the natural advocates of separatism, the natural opponents of union. The Evangelical church, being a union of churches, is an eyesore to the Lutherans, and Prussia as a union of Church and State is objectionable to all. The Hanoverian Lutherans, moreover, and the Polish Catholics, having the common grievance of being the victims of annexation, were naturally separatistic in their political leanings; yet this community of grievance added nothing to their strength, because the Rhenish Catholics, being good patriots, could no longer join the Polish Catholics, and the loyal Prussian Lutherans could no longer join the Hanoverian Lutherans. It may be said, therefore, that when the first Imperial Parliament met in 1871, the three religious fractions more or less hostile to the new Empire represented, neither jointly nor severally, an opposition worth taking into consideration. They did not even sit on the same benches, and the five or six Catholic deputies which had taken their seats in the centre of the house sat there as no *Corpus catholicorum*, and could hardly be called a political fraction, until the bad tactics of an intolerant majority had given them the importance they wanted.

The rulers of the new state derived additional strength from the support of the Old Catholics, who, having remained popeless, yet wishing to remain Catholics, felt the want of some new fountain-head of authority, and could find none better than the state. And the state, in its turn, was only too glad to nurse and to protect the new church during its nonage, and to make it an attractive bait for Ultramontane deserters. For, the more rapidly South German Ultramontanism could be absorbed by it, the thinner would become the ranks of those who were the natural, if not yet the avowed, enemies of the new Empire. The government lost no time in giving its sanction to the election of Dr. Reinkens as bishop of the Old Catholics. It conferred upon him the same benefices as would have been due to him as a Roman Catholic bishop, and we

have no doubt that the Reichstag will, sooner or later, pass a law authorizing the new church to claim its share in the funds, prebends, and immovable property of the Roman Church.

It must be remembered that the Old Catholics accept the modern doctrine of the state in all its bearings. They repudiate, therefore, the American doctrine of "a free church in a free state," known in Europe only through Cavour's formula, and admit with Hinschius that "the state should be omnipotent in everything that has, within the sphere of the state, an outward or phenomenal existence." The churches having such an existence, it follows that they cannot be free within the state. According to the suggestion of Professor Zeising* of Munich, a distinction should be made between the recognized churches and the tolerated churches. The complex of the "recognized" churches should constitute the National Church, whose nationalness would have to consist in nothing but the exclusion of foreign allegiances; while all those churches which recognize authorities not being the state, either inside or outside the state, would have to be treated as "tolerated" churches, and to be placed under the immediate control of the state. A separation of Church and State is admitted by the Old Catholics only in so far as they are in favor of neutralizing the school, the cemetery, and the marriage rite.

Such were, and such are, the new allies of the new state. The government not only was strong, but was desired to be strong by the people. Its strength had become an article of their faith. The successful termination of two wars, the political union of Germany, and the more liberal policy inaugurated by Dr. Falk, the new Minister of Worship and Public Instruction in Prussia, had gradually changed opposition into connivance, forbearance into support, reluctant approval into grateful co-operation. The mighty current of an all but unanimous public opinion had given buoyancy to the government; and this popularity, which had never been courted and often been wantonly defied, was the more likely to last, as it was spontaneous and impersonal. If weaker states can afford to tolerate the presence of Jesuits and of demagogues, a strong

* Zeising, *Religion und Wissenschaft, Staat und Kirche*, pp. 442, 458. Wien, 1873.

state, such as Prussia was and as the new Empire bade fair to become, might have abstained, one would think, from all exceptional measures against an enemy who had just lost his kingdom, and whose deification at the expense of the Council involved a mere shifting of authority within the Church without adding to its collective strength. What were the provocations, besides the six deputies of the Centre? None but the disobedience of the bishops, who insisted on promulgating and expounding the new Roman dogma, irrespective of the Royal Exequatur. But the difficulty lay in the Exequatur rather than in the dogma. Considering that the dogma implied the truth of the Syllabus, the state could not give the Exequatur without making a fool of itself, and could not refuse it without committing a political error. It preferred the latter.

A new series of contraventions, reprisals, and punishments began. The German mind, not understanding priestcraft, and being apt to overrate its power and to underrate its invulnerability, continued to be haunted by the black spectre, and to entertain fears for the safety of the political edifice, the erection of which had cost so many lives. A good pretext for action was also furnished by the circumstance that many priests, who had shown a certain loyalty to the state, were excommunicated, suspended *a divinis*, or otherwise harshly treated by the Catholic bishops. The state being unable to force them back to the altar, yet desiring to protect them against hierarchical oppression, deemed it necessary to widen the sphere of its legal competency; and in the course of 1872 and 1873 a series of new laws was made for this purpose, of which three were passed by the German Reichstag and five by the Prussian Landtag.

The former are: the School Inspection Law, giving to the state the *exclusive* control over all private and public schools; the law proposed by Herr Lutz, punishing ecclesiastics with imprisonment for discussing state affairs in a manner likely to disturb the public peace; and the law against the Jesuits, suppressing their colleges and seminaries, and expelling the Order from the territory of the German Empire.

The five Prussian laws bear the dates of the 5th of April, the 11th, 12th, 13th, and 14th of May, 1873. In the first law, the state renounces the right of nominating, appointing, and in-

stalling any ecclesiastical functionary, except the military chaplains. But this concession is amply compensated by the law of May 11, which limits the qualification for ecclesiastical offices to native Germans (§ 13), who have made their first studies in a German gymnasium, who have been students for at least three years at a German university, and who have passed a scientific "state examination" (§ 4), intended to test the candidate's *general culture* by his proficiency in philosophy, history, and literature (§ 8).

All seminaries and conventional establishments are to be under the control of the state (§ 9). Seminaries for boys to be abolished (§ 14).

All new appointments must be announced by the church authorities to the governor of the province (§ 15), who has a right to protest (§ 16) on the ground of the nominee's incapacity or immorality, or "if there is reason to suppose that he may act in a spirit hostile to the laws and the civil authorities." Against this veto the ecclesiastical authorities may appeal before the new ecclesiastical Court of Justice, whose decision is final.

Every vacancy is to be filled up within one year. After that term, the appointment can be enforced by fines of a thousand thalers (to be repeated, if necessary), by the withholding of the state funds set apart for the maintenance of the vacant office, and by the stopping of the salary of the functionary who is responsible for the prolongation of the vacancy (§ 18).

The law of May 12 refers to church discipline, and to the institution of a new Court of Justice for ecclesiastical affairs.

Church discipline can be enforced only by German church authorities (§ 1). They can inflict no penalty without having heard the defence of the accused, and can dismiss, remove, suspend, or pension no functionary except after legal proceedings. They may inflict fines not exceeding thirty thalers (§ 4), or detention, for a period not exceeding three months, in an ecclesiastical penitentiary (*Demeriten Anstalt*), standing under the control of the civil governor, to whom every sentence, together with its reasons, is to be communicated within twenty-four hours (§§ 5, 6).

Against these sentences the accused may appeal, or the state

may interfere, without the accused's appeal, in cases of obvious abuses of power on the part of the church authorities.

A new "Court of Justice for Ecclesiastical Affairs" is to be instituted in Berlin (§ 32). It will consist of eleven members, nominated for life by the government. The president and five of the members must be regular judges in the service of the state (§§ 33, 34). The publicity of the proceedings may be limited or excluded by the court itself (§ 18), whose decisions are to be founded on circumstantial evidence and a "comprehensive" view of the whole case (§ 21), rather than on absolute proofs. They are to be final (§ 35), and the court can make no charge for costs, except for real expenses incurred (§ 36).

The law of May 13 enacts that no ecclesiastical authority can inflict or threaten to inflict any kind of punishment for actions or omissions prescribed by the civil laws or the state authorities, nor for a vote given or an abstention from voting at public elections, nor with a view to deter from actions prescribed by law, or from the free exercise of the right of voting (§§ 2, 3).

Finally, the law of May 14 regulates the civil consequences of a change of church allegiance when duly announced to the local judge.

In all these laws the fines vary between two hundred and one thousand dollars; and as even the repeated imposition of these fines has proved insufficient to enforce obedience, a new law is likely to be brought forward, empowering the state to add imprisonment or banishment to the fine.

On the whole, there is a paternal spirit in these laws. The faithful are protected against hierarchical tyranny, and the protection is so cheap that it is within the reach of the poorest beadle. But the hierarchs must think these laws Draconian. The Archbishop of Posen and the Prince Bishop of Breslau have both been mulcted so heavily that the punishment has lost its sting in their case. The former has been invited to resign office or to appear before the new tribunal in Berlin. Of course he has done neither, but expresses his astonishment that Prussian authorities, in their heretic ignorance of the nature, source, and force of ordination, can think of deposing a bishop or of causing him to resign. As to the Bishop of Breslau, he intends (it is said) to avail himself of the geographical

configuration of his diocese, which overlaps the Austrian frontier, and would enable him to quit Prussia without quitting his diocese.

We are of opinion that a state which, through the institution of obligatory education, is as much master of the souls of its citizens as it is master of their bodies through the institution of the Landwehr, might have contented itself with a revision of the school laws, either secularizing the school or favoring Protestant instruction, and relegating Roman Catholic instruction, as much as possible, to the sphere of domestic life. A state with a Protestant state religion might do such things with a certain show of fairness. It might have trusted to the seeds of its own gratuitous state education, taking its chance about the less controllable influences of pulpit oratory, as it *must* take its chance with regard to those altogether uncontrollable influences belonging to the sanctuary of domestic life. It may be urged that the rulers and legislators of Prussia could have no confidence in the seeds which for so many years had been sown by Herr von Mühler. But that would explain, not why the new weapon was made, but only why it was made to cut either way, the word "Catholic" hardly occurring in the new laws.

Of the ultimate consequences of these laws it would be premature to judge. It is as easy to expel Jesuits as it is to lock out a thief. But as long as thieves are prowling in the neighborhood, the house is as insecure as before. • In fact, it would be impossible to judge fairly of this anti-Catholic movement in Germany, without looking beyond the frontiers of the new Empire and comparing the action of the German state and the sectarian movement of the German Catholics with the corresponding and simultaneous phenomena in other countries.

The whole anti-infallibilistic movement of the last three years may be divided into the Italian, the Swiss, and the German movement, each of which may again be subdivided into the political action of the State and a sectarian movement within the Church. We have said enough about Germany, and what little we have said about the Old Catholics suffices to show that, whatever their ultimate aspirations may be, for the present they prefer nationalism to Catholicism, and their church is essentially German.

In Switzerland the state behaved like the Prussian state. As it enjoyed, like Prussia, the blessings of the Placet and the Exequatur, the bishops had no difficulty in defying the government, and the government had no difficulty in punishing the bishops, one of whom was escorted across the frontier by gendarmes. At the same time, the Geneva Council passed new laws, proclaiming the ecclesiastical autonomy of the diocese. It was enacted that the people should have power to elect their priests, and very soon the Grand Council of Berne proposed another law (not voted * yet), making priests removable from office every six years, unless properly re-elected, and conferring ecclesiastical jurisdiction on the priest elect independent of the bishop's sanction, and without the *institutio canonica*. And to these three important innovations we must add the *de facto* abolition of priestly celibacy, the state of Geneva having recognized the election of M. Loyson (the newly married Father Hyacinth) as Catholic curate of Geneva.

But like the Swiss state, which has no genuine nationality, the sectarian movement headed by M. Loyson was far more catholic and far less national in its aims than that of the Old Catholics of Germany. To remove all doubt about this matter, M. Loyson, in a recent letter to a Paris paper, declares openly that "he has sworn to obey the Swiss laws, but he will not become a clerical subaltern of any civil authority"; that he is "more than ever a partisan of church autonomy," meaning by church "the congregation with its pastors elect," and that he "had not fled from the tyranny of Rome merely to submit to the rule of state ministers, or to the caprice of legal majorities." For the same reasons, he adds, "the clergy and the Reformed Catholic Church of Geneva do not stand, and *do not wish to stand, in any relation of hierarchical dependence towards the newly appointed bishop of the Old Catholics of Germany.*" Even in Austria, which is more than half German, and where the government has prepared no fewer than seventeen laws that are to regulate the relations between Church and State in lieu of the Concordat of 1855, the ecclesiastical jurisdiction of Bishop Reinkens has not been recognized, not even by the Old Catholics themselves.

* It has been voted since this was written.

We now come to the Italian movement, which preceded the others in time. Its principal results have been, the downfall of the temporal Papacy, the so-called Law of the Guarantees, and the suppression of the religious corporations. On all these occasions the Italians have acted *suaviter in modo, fortiter in re*. Nor can we wonder that a nation which has produced more priests than any other nation, and which has remained so long the *matrix* of the Papacy, should understand better than any other nation how to deal with priests and priestcraft. We might prefer *gaucherie* to *finesse* in this matter. But that is a separate consideration. What interests us here is the remarkable fact, that, notwithstanding the identity of their interests, the Italians and the Germans do not pull together, though they may pull the same way. The Germans accuse the Italians of softness and shilly-shallying; the Italians accuse the Germans of clumsiness and hardness. The Italians are not sorry to see what is going on in Germany, but they do not like it. We cannot follow you, they say to the Germans, but we wish you God speed.

The feeling is a complicated one. Now that the Papacy is vanquished and national unity secured in Italy, the old flame of hatred can no longer be fed, and the once-dreaded Papacy becomes, once more, dear to the Italian heart; not, indeed, as a living thing, but as a ruin or a mummy whose preservation gratifies the Italian love for historic continuity. The reconciliation which was impossible, or which would have been absurd, between the King of Italy and the King of Rome, may very well take place between the King of Italy and the Primate of the Church. And should it happen (as it may happen any day) that foreign Catholics get tired of sending Peter's-pence to the Pope, and that the Pope, in a weak moment of fallibility, allows himself to accept the glittering but fatal gift of three million livres which, in accordance with the Law of the Guarantees, must constantly be kept within his grasp, should, in fact, the Pope ever become the Prebendary of the state, no subtlety of plea, no sophistry of argument, could save him from the natural consequences of that position. We must further remember that the Papacy, though pretending to be catholic and cosmopolitan, has, in reality, always been an

Italian institution. Among ten cardinals we find, on an average, nine Italians, and the proportion of non-Italian Popes is smaller still. This is a vicious circle, the electors being appointed by the elect, and we do not see how a proper rotation of foreign elements could ever be brought about under such auspices. Yet, if it wishes to remain catholic, the Papacy *must* cease to be in Italian hands, because, the Italians having become a nation, Italy has ceased to be neutral ground. A national Papacy is sheer nonsense. When it calls upon all men to form one flock and to follow one shepherd, it must begin by pulling down its own fences and opening its own fold. It must denationalize itself. And as it is not likely to do so; — and probably could not, if it would, — the probability is, that, in the course of time, it will shrink to something like an Italian state church, whose catholicity would then be purely nominal, like that of the Anglican Church.

The Italians are not fond of theological discussions, and the Church question interests them only in so far as it is connected with questions of history and of canonical law. But although we must not look to Italy for anything like doctrinal reform, the Italian Church has not remained quite undisturbed during these three years. It has had its miniature revolution, which ought not to remain unnoticed, since it has given rise to learned and highly instructive discussions in the Italian papers.

Towards the end of last November the syndic (or mayor) of Frassinò, a small borough in the province of Mantua, published a manifesto proclaiming the right of the people to elect their parish priest, and inviting the government to sanction the election, to grant all necessary funds, and to transfer the right of patronage to the people. He added (and this is important) that the people would remain as firm in their resolution as they would remain faithful to their Catholic creed. From this we infer that the people of Frassinò wish to have nothing to do with the Reformed Catholic Church of Geneva. They have imitated the people of Geneva in electing their own priest, but in nothing else; and we doubt whether the Church of Geneva, with all its catholicity of doctrine, will ever spread beyond the Alps. The Italians evince a strange

dislike to M. Loyson. They have long hated their own bachelor priests, but have not learned yet to respect a married friar. The mayor of Frassinò, of course, is no exception to this rule. He is no runaway reformer, but wishes this parochial revolution to be judged from a Roman Catholic point of view. Unfortunately, from that point of view the eligibility of parish priests appears neither defensible nor intelligible; and what is good and rational in Geneva becomes sheer nonsense in Frassinò.

Professor Cassani, in a series of learned essays published in last year's *Rinnovamento Cattolico* of Bologna, has shown that the earliest precedents contained in the first and sixth chapters of the Acts of the Apostles might warrant the conclusion that the right of nomination and the right of veto belong to the congregation, but neither the right of election nor that of appointment or ordination could be derived from these precedents. To make this quite clear, we should remember that the primitive parish was the diocese, that the primitive priest was the bishop himself, and that what we now call priests are mere delegates and assistants of an overworked bishop in an overgrown diocese requiring parochial subdivisions. And if we consider that even nowadays the functions of a curate cease *de jure* during the bishop's presence in his parish, we can hardly help admitting that (from a Roman Catholic point of view) the autonomy of the parish and the election of the parish priest by the parishioners are historical and canonical anomalies. The bishop, who is the only real priest, might do without curates, if his diocese were small enough. The parish priest, therefore, who is his delegate, must be appointed by him and removable by him.

And so it was, in fact, until feudalism crept into the Church and fixed benefices or livings were founded by private donors, or by corporations, or by the state. Then the priest, whose salary was no longer taken from the diocesan fund by the bishop, became *in temporalibus* independent of the bishop. He could be suspended *a divinis* and, in fact, dismissed by the bishop, but not deprived of his living, and in this sense priests are still irremovable. Thus a third power, the *patronage* or right of advowson, was put between the bishop and his priests;

but it never acted as a proper check, the persons in whom the *jus patronatus* was vested being the natural allies of the bishop. At present, the equilibrium of power could only be restored by conferring the patronage on the congregation; that is to say, by making them pay for the maintenance of their church and their priest. Those who do not like this bargain should leave the Church, as the Geneva Catholics have done, and not profess to remain in it, as the people of Frassinò have done.

We are of opinion that all this might be effected without the intervention of the state. Neither the Geneva legislators nor the Grand Council of Berne are competent to regulate these affairs; and M. Loyson, though profiting by their friendly Cæsarism, most justly objects to it. In Italy, public opinion is so strongly opposed to all state intervention, that a reformer of the Catholic Church could not look to the state for the smallest help; and many people fear that the rulers of Italy will go too far in their eagerness to leave the Church to its own resources, and that they will renounce their rights in favor of the Pope, instead of renouncing them in favor of the people. The *Placet* and the *Exequatur* are, indeed, objectionable remnants of the past. But they are objectionable merely because they are in the wrong hands. If they are to be given up, they need not disappear altogether, but should be restored to their rightful owners, the people. Being held by the state, they cannot but be in the state's giving.

The anti-Catholic movements of Italy, Germany, and Switzerland have, thus far, been successful, and the Pope has no reason to congratulate himself on the consequences of his apotheosis. He may still speculate on France or on the Republic of Ecuador, which quite recently has dedicated itself, in a solemn manifesto, to the Sacred Heart of Jesus. But the number of his enemies, both temporal and spiritual, is rapidly increasing, and if they were united there would be little hope for him.

Fortunately for him, they are not. We have endeavored to make it clear that there is no unity of action or of purpose either in the new apostacies or in the various kinds of state intervention. Without quarrelling, without, in fact, wishing each other anything but success, the enemies of the Roman

Church seem yet disposed to disavow each other. A remarkable tendency to individualism and to plurality prevails in religion as well as in politics. Italy, it is true, has united, and Germany has reunited, but only to bring out more strongly the pre-existing national individuality and to enhance the capacity for self-assertion. The belief in the possibility of an international union, or of a reunion of the churches, is a fashionable fallacy, due probably to the prevailing enthusiasm about steam-power and electricity. For, whatever their ultimate effects may be, railways and telegraphs have, thus far, acted in the opposite sense. They have brought out differences and antagonisms where one least suspected them. Nationalities have never been more strongly marked than they are now. And this is, of course, as it ought to be, since it is obvious that the consciousness of our differences must precede the consciousness of our union and common humanity. The facility and frequency of intercourse which makes us conscious of our peculiarities forces us at the same time to dissimulate them, and thus teaches us a *modus vivendi* which, in society, we call manners, in politics diplomacy, in religion tolerance.

Nor is the plurality of churches a new phenomenon. It has been the characteristic feature of the Protestant world, and even in the Catholic world we have become familiar with the idea of three churches. What is new, however, is the *indefinite* plurality of "Catholic churches." For nobody can tell into how many more splinters the old tree may yet split. We shall then have no tree, but many splinters pretending to be the tree. The Roman Church itself may become only one of the many would-be-Catholic churches. And as the geographical boundaries of the dioceses are not likely to coincide with the political boundaries of the states, it must come to this, that each state will contain parts of several churches, and each church will extend over parts of several states. Each state, then, and each church, will have to regard each other as something partly internal and partly external. We do not understand how a state church can be thought of under these prospective circumstances. A union of Church and State was possible while there was but one state, the Empire, and one Church, the Catholic Church; in our days it is not even intelli-

gible. We might as well talk of a union of the family and the state, which certainly existed and still exists in patriarchal communities among nomad tribes. But we have outgrown the family state, and must outgrow the state church too.

A complete separation, however, of Church and State is, for the same reasons, as impossible as a complete union. Cavour's formula contains a false metaphor, the church being no more "in" the state than the state is in the church, and the "liberty" it proclaims implying mutual indifference which is neither desirable nor possible. We have no proper term to express the relation that might and ought to exist between a state and each of the churches to which its citizens may belong. The state stands, or might stand, to them in the double relation of attorney and trustee. Its attorneyship expresses its separation from the church, its trusteeship its union with it. As attorney of the people, the state replaces the church, by registering, teaching, marrying, and burying even those who are disowned by their church. And as trustee of the church, it protects the priest as well as the rate-payer. It need not be added that neither capacity would confer upon the state the right of patronage, and much less the attributes of apostolic authority.

The plurality of "Catholic" churches is, theoretically, an absurdity. But practically the illogical epithet is useful, because it reminds us of an irrepressible aspiration of the human heart, and thereby helps to perpetuate that aspiration. It points towards something, no matter whether real or ideal, which is higher than anything the state can give. And considering what a state is, even at its best, we ought to be glad of it. A state is an organism. That organism may be beautiful and perfect like that of a tiger, for instance. But, all in all, we prefer the sickliest of men to the healthiest of tigers, whose affections never extended beyond her cubs. Our states are armed to the teeth in broad daylight, and, if they do not annihilate each other, must one day be choked by their own armor. Anything more selfish, in fact, more irritable and more vindictive, than a modern state, it would be difficult to imagine. Our patriotism is but a mixture of pride and love, and both are proverbially blind. But even the blindest patriot must admit that the highest laws ever recognized by any political

state are the law of majorities for its internal affairs, and the code of honor for its dealings with the outer world. Can it be that there is no sphere beyond this, and that duelling and racing are the highest forms of practical ethics?

If there is such a sphere, it must be wider than that of the state by as much as the state is wider than the family. And as the family is free within the state, although the family compact is regulated and sanctioned by the state, so the state may be free within the church, provided its self-given laws at home and its self-willed actions abroad are in harmony with a higher will and with a higher law, outreaching states and outliving empires.

We are aware that this ideal catholicism has never yet existed in form of a church, and that the Roman Church has generally (to say the least) coexisted with moral and political decay. But it is important and salutary that the worshippers of state omnipotence should be occasionally defied, and reminded of the existence of powers that can resist brute force and of laws that are independent of majorities. The Catholic sentiment cannot be got rid of; and when it cannot appeal to the catholicity of religion, it will appeal to the catholicity of philosophy, its scientific substratum, or to that of socialism, its ethical substitute.

We rejoice over this increasing plurality of churches, inasmuch as it will strengthen and revive the catholic sentiment. In this sense we may say with the Jesuits, "Through anarchy to hierarchy," if by anarchy we understand the plurality of churches, and by hierarchy that Holy Empire which shall be Church and State, though neither Roman nor German, and in which there shall be "union in all essentials, liberty in contingents, and love in everything." That empire is Utopia we know. It cannot come to us, nor could we reach it if we went in search of it. But the use of an ideal is, that it determines the direction of our path, and the value of human progress lies far more in its direction than in its speed.

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